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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,895	08/02/2001	Peter A. Goode	22.1410	9846

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EXAMINER

BEACH, THOMAS A

ART UNIT PAPER NUMBER

3671

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/920,895	Applicant(s) GOODE ET AL.	
	Examiner Thomas A Beach	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 12/20/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-13, 25, 26, 28, 29, 44-48, 50 and 51 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-13, 25, 26, 29 and 44-51 is/are rejected.
- 7) ☒ Claim(s) 27 and 49 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. Claims 10-13, 25, 26, 28, 29, 44-48 and 50-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Kilgore 6,182,765. Kilgore shows a method including of halting the flow of fluid in a well (since the pressure within the well is used to retrieve the tool 315, the fluid, and thus pressure, must not be present in order for the tool to “free fall”, therefore inherent of Kilgore); deploying a tool 315 from within the well while the fluid is halted (col. 6, lines 64-67); allowing the tool to free fall in the well while the fluid is halted (col. 6, lines 64-67); and resuming the flow, pressure within the well could only be from the fluid, to retrieve the tool (col. 7, lines 1-6). As concerns claims 12, 44 and 46, Kilgore shows using the tool to measure a property of the well at a predetermined depth using the (col. 6, line 67).

As concerns claims 11 and 45, Kilgore shows introducing a delay to allow the tool to reach a given depth, slowdown of descent of the tool controlled by 430 (col. 6 lines 65-66).

As concerns claims 13 and 47, Kilgore shows using the tool to perform a test in the well (col. 6, lines 66).

As concerns claims 26 and 48, Kilgore shows using the tool to take a corrective action in the well (col. 6, line 67 and col. 7, line 1).

As concerns claims 28 and 50, Kilgore shows triggering the halting in response to a command (col. 5, lines 48-50).

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As concerns claim 29 and 51, Kilgore shows triggering the halting in response to a previous measurement indicating intervention is needed in the well since Kilgore is capable of once a problem is detected (col. 7, line 1) another tool may be selected and utilized which will be dropped in free fall to its determined height using the computer 430.

Allowable Subject Matter

2. Claims 27 and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

3. Applicant's arguments regarding Kilgore are noted; however, as noted above in the rejection, Kilgore has contemplated and discussed "free fall" of a tool with in the well, thus inherency clearly flows from the reference since free fall requires the halting of pressurized fluid flow in order for the tool deployment to free fall. Applicant's arguments regarding possible surface mechanisms are noted; however, they do not clearly point out the patentable novelty in the claim language not do they show how the amendments avoid such references or objections since they are merely possible scenarios and not linked to any specific claim language.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A Beach whose telephone number is 571-272-6988. The examiner can normally be reached on Monday-Thursday, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached at 571-272-6998. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9306 for regular communications and 703.872.9306 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.4198.

Thomas A. Beach

May 2, 2005



THOMAS WILL
Supervisory Patent Examiner
Group 3600